

Dated: January 14, 1999

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AF36

Endangered and Threatened Wildlife and Plants; Notice of Public Hearings on Proposed Critical Habitat Determinations for the Cactus Ferruginous Pygmy-Owl and the Plant *Lilaeopsis schaffneriana* ssp. *recurva*, (Huachuca Water Umbel)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of public hearings.

SUMMARY: The U.S. Fish and Wildlife Service (Service) gives notice that public hearings will be held on the proposed determination of critical habitat for the plant *Lilaeopsis schaffneriana* ssp. *recurva*, (Huachuca water umbel), and the cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*). The hearings will allow all interested parties to submit oral comments on the proposals.

DATES: Each public hearing will be for the purpose accepting public comment on either or both proposals. These hearings will be held from 7 p.m. to 9 p.m. on February 10, 1999 in Coolidge, Arizona; on February 11, 1999 in Sierra Vista, Arizona; and on February 12, 1999 in Tucson, Arizona. The comment period for these proposals will remain open until March 1, 1999. Comments must be received by the closing date.

Any comments that are received after the closing date may not be considered in the final decision on these proposals.

ADDRESSES: The public hearings will be held at the Coolidge Unified School District Auditorium, 800 West Northern Avenue, Coolidge, Arizona; Buena Performing Arts Center (Buena High School), 5225 Buena School Boulevard,

Sierra Vista, Arizona; and Leo Rich Theatre (Tucson Convention Center), 260 South Church Avenue, Tucson, Arizona. Oral and written comments will be accepted at the hearings. Additionally, written comments can be sent to the Field Supervisor, U.S. Fish and Wildlife Service, 2321 W. Royal Palm Road, Suite 103, Phoenix, Arizona 85021. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above Service address.

FOR FURTHER INFORMATION CONTACT: Tom Gatz, Endangered Species Coordinator, at the above address (telephone 602/640-2720 ext. 240; facsimile 602/640-2730).

SUPPLEMENTARY INFORMATION:

Background

The cactus ferruginous pygmy-owl is one of four subspecies of the ferruginous pygmy-owl. It occurs from lowland central Arizona south through western Mexico to the States of Colima and Michoacan, and from southern Texas south through the Mexican States of Tamaulipas and Nuevo Leon. Only the Arizona population of *Glaucidium brasilianum cactorum* is listed as an endangered species. The Service proposed designation of approximately 730,565 acres of riverine riparian habitat and upland habitat as critical habitat for the cactus ferruginous pygmy-owl pursuant to the Endangered Species Act of 1973, as amended (Act). Proposed critical habitat is in Pima, Cochise, Pinal, and Maricopa counties, Arizona as described in the **Federal Register** (63 FR 71820; December 30, 1999).

The Huachuca water umbel is a plant found in cienegas (desert marshes), streams and springs in southern Arizona and northern Sonora, Mexico, typically in mid-elevation wetland communities often surrounded by relatively arid environments. These communities are usually associated with perennial springs and stream headwaters, have permanently or seasonally saturated highly organic soils, and have a low probability of flooding or scouring. The Service proposed critical habitat including a total of 83.9 kilometers (52.1

miles) of streams or rivers in Cochise and Santa Cruz counties, Arizona (63 FR 71838; December 30, 1999).

Section 4(b)(5)(E) of the Act, as amended (16 U.S.C. 1531 *et seq.*), requires that a public hearing be held if it is requested within 45 days of the publication of a proposed rule. However, due to the expeditious treatment of these proposed critical habitat determinations under Federal District Court order as described in the proposed rules, the Service has arranged for three public hearings to be held in proximity to the areas proposed for critical habitat designation. Each hearing will be held to accept information for both the pygmy-owl and the water umbel critical habitat proposals on the dates and at the addresses described above.

Anyone wishing to make an oral statement for the record is encouraged to provide a written copy of their statement and present it to the Service at the start of the hearing. In the event there is a large attendance, the time allotted for oral statements may have to be limited. Oral and written statements receive equal consideration. There are no limits to the length of written comments presented at the hearings or mailed to the Service.

Legal notices announcing the dates, times, and locations of the hearings will be published in newspapers concurrently with this **Federal Register** notice. The current comment period on this proposal closes on March 1, 1999. Written comments may be submitted to the Service office in the **ADDRESSES** section.

Author: The primary author of this notice is Jeffrey A. Humphrey (see **ADDRESSES**).

Authority

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531-1544).

Dated: January 20, 1999.

Geoffrey L. Haskett,

Acting Regional Director, Region 2, Fish and Wildlife Service.

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